

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

MANGO'S TROPICAL CAFÉ, INC.,

CASE NO. 11-cv-24619 UNGARO-TORRES

Plaintiff,

v.

MANGO MARTINI RESTAURANT &
LOUNGE, INC., LAKES CAFÉ SPORTS
BAR & GRILL, INC. d/b/a MANGO
MARTINI RESTAURANT AND LOUNGE,
JOSE FLORES, CHARLIE RODRIGUEZ,
and HUMBERTO PEREZ,

Defendants.

DECLARATION OF JOSE FLORES

I hereby state and declare as follows:

1. At all times material, I was the representative for the corporate Defendants that were parties to this action, and I was an individual Defendant in this action. This Declaration is based upon personal knowledge.

2. This Declaration is submitted in compliance with Paragraph 4 of the Court's Order of Permanent Injunction and Judgment by Consent [DE 37] (hereinafter "the Order").

3. The Order has been complied with in the following respects:

- a. The Defendants have ceased from advertising, promoting, offering for sale, selling, or distributing in any manner restaurant, bar and nightclub services in connection with or bearing the name or mark "MANGO MARTINI" and/or making any use of such mark or name which is confusingly similar thereto, or of any mark or name combining the word "MANGO" with a term that indicates restaurant, bar or nightclub services;
- b. The Defendants have destroyed any remaining inventory of promotional materials or advertisements bearing the mark "MANGO MARTINI".
- c. The Defendants have caused the name of Florida Corporation P11000064658, formerly known as Mango Martini Restaurant & Lounge,

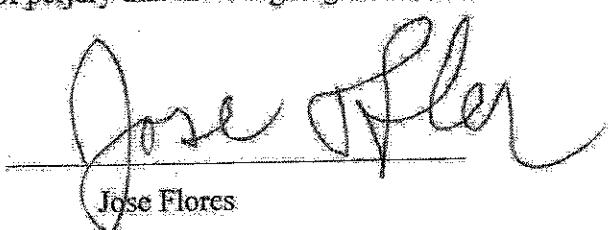
Inc., to be amended to New Martini Restaurant & Lounge, Inc; and, have canceled Florida Fictitious Name Registration G11000070586 for the fictitious name "MANGO MARTINI RESTAURANT & LOUNGE".

d. The Defendants have, in compliance with Paragraph 3 of the Order, transferred all domain names that contain the term "MANGO" to Plaintiff; and have, to the best of my knowledge, deactivated or otherwise brought into compliance with the Order all social media sites under their control that made reference to the term "MANGO".

4. The Defendants have not violated the Court's Order with respect to the following provisions from Paragraphs 2(b) through 2(e) of the Order, and deny having ever done so prior to the entry of the Order, such that no further compliance was necessary in this regard:

- (b) Representing or suggesting in any fashion to any third party that Defendants' services are affiliated with, sponsored by, or otherwise connected with Mango's;
- (c) Doing any other acts calculated or likely to cause confusion or mistake in the mind of the public or to lead consumers into the belief that Defendants' services are authorized, sponsored, licensed, endorsed, promoted, or condoned by Mango's, or are otherwise affiliated with or connected to Mango's;
- (d) From further diluting and infringing the MANGO'S Marks and damaging Mango's goodwill; and
- (e) Otherwise competing unfairly with Mango's.

Pursuant to 28 USC §1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my information and belief.



Jose Flores